



## Legislation Details (With Text)

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**On agenda:** 5/14/2015    **Final action:** 5/14/2015  
**Title:** RESOLUTION - Of Intention to annex the territory associated with Conditional Use Permit No. 2008-157, 2012-032 and 2014-121 (commonly known as Fresno 40) as Annexation No. 8, to City of Fresno Community Facilities District No. 9, and setting the public hearing for June 11, 2015 at 10:00 a.m. (the area bounded by N. Fresno Street, N. Friant Road, E. Audubon and the Sugarpine Trail) (Council District 6)  
**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. CFD9 Annex8 Location Map, 2. Fresno 40 Annex8 ROI Attny Approved Doc

Date	Ver.	Action By	Action	Result
5/14/2015	1	City Council	adopted	Pass

## REPORT TO THE CITY COUNCIL

May 14, 2015

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**THROUGH:** ANDREW J. BENELLI, PE, City Engineer/Assistant Director  
Public Works Department, Traffic and Engineering Services Division

**BY:** ANN LILLIE, Senior Engineering Technician  
Public Works Department, Traffic and Engineering Services Division

## SUBJECT

**RESOLUTION** - Of Intention to annex the territory associated with Conditional Use Permit No. 2008-157, 2012-032 and 2014-121 (commonly known as Fresno 40) as Annexation No. 8, to City of Fresno Community Facilities District No. 9, and setting the public hearing for June 11, 2015 at 10:00 a.m. (the area bounded by N. Fresno Street, N. Friant Road, E. Audubon and the Sugarpine Trail) (Council District 6)

## RECOMMENDATION

Adopt Resolution of Intention to annex the area commonly known as Fresno 40 (and Park Crossing Shopping Center) into the City of Fresno Community Facilities District No. 9 ("CFD No. 9").

## EXECUTIVE SUMMARY

The landowner has petitioned the City of Fresno ("City") to have the territory associated with the area commonly known as Fresno 40 annexed to CFD No. 9 to provide funding for the operation and reserves for maintenance ("Services") pertaining to certain ground level infrastructure within the public easements associated with this development. Such facilities include, without limitation, concrete curbs and gutters, entrance median curbs, caps and pedestrian access walkways, trail, sidewalks and curb ramps, traffic signal and street lighting, and the Sugarpine Trail concrete trail connections, bench pads and benches as associated with the shopping center. The cost for the Services for these improvements totals \$13,911 annually for this development. Fresno 40 is located entirely in the Fresno City Limits. The Resolution of Intention begins the process, sets the required public hearing for June 11, 2015, at 10:00 a.m., and defines the steps required to complete the annexation. (Reference attached location map.)

## BACKGROUND

New commercial, industrial and multi-family subdivisions and parcel maps have different needs and standards than those of a standard single-family residential subdivision. Commercial, industrial and multi-family subdivisions are traditionally self-maintained with different proprietary requirements for landscaping, signage and general designs. CFD No. 9 is designed to accommodate these requirements by providing funding for services for certain required public improvements along the perimeters of these developments. On December 16, 2008, the Council adopted Resolution No. 2008-351, forming CFD No. 9 to provide funding for the Services for certain public improvements located within and adjacent to public streets on the perimeter of commercial, industrial, and multi-family subdivisions as described and permitted pursuant the Goals and Policies for CFD No. 9 and the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3 of the Fresno Municipal Code ("City Law") and the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5, commencing with Section 53311, of Part 1, Division 2, Title 5 of the California Government Code).

The landowner has petitioned the City to have the territory associated with Conditional Use Permit No. 2008-157, 2012-032 and 2014-121, Assessor's Parcel Numbers 402-220-037, 060 and 061 (Park Crossing Shopping Center), annexed into CFD No. 9 to provide funding for the Services pertaining to certain ground level infrastructure within the public easements associated with this development. Such facilities include, without limitation, concrete curbs and gutters, entrance median curbs, caps and pedestrian access walkways, trail, sidewalks and curb ramps, traffic signal and street lighting, and the Sugarpine Trail concrete trail connections, bench pads and benches as associated with this development. (Reference attached location map.)

The attached Resolution initiates the annexation process, sets the public hearing for June 11, 2015, at 10:00 a.m., sets the Maximum Special Tax at a total of \$13,911 to be apportioned proportionately by area for each assessor's parcel within the Fresno 40 Development annually for FY2015-16, and that the maximum special tax may be adjusted annually at the discretion of the City at +3% plus the increase, if any, in the Construction Cost Index for the San Francisco Region for the future fiscal years.

Annexations to existing community facilities districts are permitted under City Law. The legislative body must follow certain prescribed procedures as outlined below:

- Adoption of a Resolution of Intention to Annex to CFD No. 9

- Required 7-day minimum Notice of Public Hearing
- Public hearing on Annexation and Levy of Special Tax
- Call a Special Mailed-Ballot Election on the proposed Special Tax
- Declare the Results of the Election
- Formal Adoption of Special Tax Levy (if election passes)

The attached Resolution has been approved as to form by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this hearing does not qualify as a "project" and is therefore exempt from the California Environmental Quality Act requirements.

## **LOCAL PREFERENCE**

Local preference was not considered since this item does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

No City funds will be involved. All costs will be borne by the landowner as set by Exhibit D of the Resolution of Intention attached herein.

Attachments:        Location Map  
                         Resolution